

REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Applicant notes that the Examiner has apparently examined originally filed claims 1-15. A Preliminary Amendment was filed by Applicant, which was received on May 12, 2003 by the Patent Office as indicated on the enclosed copy of a stamped postcard attached to the end of this Response as Exhibit A. Exhibit A also includes a copy of the Preliminary Amendment filed at that time. The claims contained in this Response are based upon the claims previously presented in the Preliminary Amendment.

Claims 1-4, 6, 9-12 and 14- 15 are currently pending. Applicant respectfully requests reconsideration of this application.

The rejections under 35 U.S.C. §102 based upon the *Ghabra, et al.* reference should be withdrawn. Claim 1 as presented in the Preliminary Amendment is not anticipated. Claim 9 includes a strategy for processing received signals that is not disclosed or contemplated within the *Ghabra, et al.* reference. None of the pending claims are anticipated.

Applicant respectfully traverses the rejections under 35 U.S.C. §103 based upon the *Ghabra, et al.* reference. The claimed approach to using demodulators in claims 1 and 9 is in no way suggested by the *Ghabra, et al.* reference. As there is no suggestion from within *Ghabra, et al.* to make any modifications to be consistent with Applicant's claims, there is no *prima facie* case of obviousness based upon that reference.

Applicant respectfully traverses the rejections under 35 U.S.C. §103 based upon the proposed combination of *Ghabra, et al.* and *Schuermann*. Even if the combination could be made, the result is not the same as what is claimed. The *Schuermann* reference does not teach using a first demodulator and then only using a second demodulator if a received signal is not discernable using the first demodulator. Instead, the *Schuermann* reference looks for a response from a transponder based upon an exciter signal. If an FSK bit is received, the *Schuermann* device uses FSK demodulation. If an FSK bit is not received, the *Schuermann* device will utilize ASK demodulation. *Schuermann* essentially teaches selecting a demodulator base upon the receipt or absence of an FSK bit in an expected response to an exciter signal. *Schuermann* uses an approach that is different than what is claimed. Therefore, even if the combination were made, the result is not the same as the claimed invention and there is no *prima facie* case of obviousness.

Applicant respectfully submits that the rejection under 35 U.S.C. §103 based upon the proposed combination of the *Ghabra, et al.* and *Shuey, et al.* references should be withdrawn. Claim 6 and 14 each depend from a claim to which that rejection is not applicable.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a telephone conference will facilitate moving this case forward to being issued, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

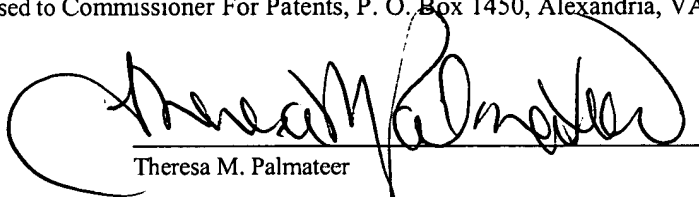
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Dated: June 8, 2005

CERTIFICATE OF MAILING

I hereby certify that the enclosed **Response** is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner For Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on June 8, 2005.


Theresa M. Palmateer

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ASSISTANT COMMISSIONER OF PATENTS

-PATENTS-

Inventor / Applicant:

Date 5-8-03 Attorney: DTG File No.: 60 426-200

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Page(s) Specification

Page(s) Claims

Page(s) Abstract

Sheets of Drawings (formal/informal)

Other:

☐ General Power of Attorney

☐ Response to Invitation

Fee: \$

Serial / Patent No.